

Remarks:

3. Claims 26-31 are rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Pat. No. 4,339,983. Specifically, the Examiner states that the '983 patent discloses:

a stack (CD; figure 19) of hangers comprising: a plurality of hangers aligned parallel, along a single line, wherein an opening exists between each hanger; each hanger having a shoulder (13a, 13b) spaced from a web (9), the web (9) extending between a pair of legs (10a, 10b), and a barbed member (15a, 15b) extending out from each leg (10a, 10b); one or more shearable tabs (23) extending between, and attaching, adjacent ones of the plurality of hangers.

Applicant respectfully submits that the subject matter recited within claims 26-31 is neither anticipated by nor obvious in view of the disclosure of the '983 patent.

The '983 patent discloses a clamping device for plate-like members such as corrugated boards. (Col.3, lines 28-29). The clamping devices are "formed by one-piece molding, for example, of flexible synthetic resin material such as polypropylene" (Col.3, lines 31-32). In one embodiment, a plurality of clamping devices are connected to one another by "wire-like connecting members 23 suitably fixed to the under surfaces of the base portions 9 of the clamping devices CC with each of the connecting members 23 being formed with an engagement portion or hook 24 at one end of the group CD for connection with another similar group of clamping devices."

The presently claimed stack of hangers in contrast, recites a plurality of hangers and one or more shearable tabs extending between, and attaching, adjacent ones of the plurality of hangers. There is no disclosure within the '983 patent of a hanger for framing material, and therefore no disclosure of a stack of hangers. Indeed, FIG. 10 of the '983 patent illustrates that the clamping devices of the '983 patent are flush mounted when installed and therefore not practically functional as a hanger. For at least this reason, applicant respectfully submits that the cited reference does not anticipate the claimed invention. Applicant, therefore, respectfully request the rejection be withdrawn and claims 26-31 be passed onto allowance.

The Examiner indicates that each hanger has a pair of legs (10a, 10b) and a shoulder (13a, 13b) spaced from a web (9). The shoulder (13a, 13b) referred to by the Examiner is not part of the legs (10a, 10b) identified by the Examiner. Present claim 27, in contrast, recites that "each leg of each hanger has a shoulder surface spaced apart from the web, and the barbed member extends out from each respective leg adjacent the shoulder surface". It can be seen, therefore, that the cited reference does not anticipate the subject matter recited within claim 27. Applicant, therefore, respectfully request the rejection be withdrawn and claim 27 be passed onto allowance.

The present office action does not address a stack of hangers that includes a feature disposed within the tabs that facilitates shearing of the tab. The '983 does not disclose or suggest the use of such a feature. Consequently, the cited reference does not anticipate the subject matter recited within claim 29. Applicant, therefore, respectfully request the rejection be withdrawn and claim 29 be passed onto allowance.

New claims 37-39 are added to more fully claim the present invention. Claim 37 recites a stack of hangers for framing materials that includes a plurality of hangers and one or more shearable tabs extending between, and attaching, the webs of adjacent hangers, which tabs are coplanar with the webs. The physical configuration of the hangers and tabs within the stack make it possible to stamp a stack out of material in sheet-form. As a result, the stacks are can be easily manufactured in a cost-effective manner.

The present hangers are typically used with wooden framing materials. Consequently, the hangers must possess sufficient mechanical strength to permit them to be driven into the wooden material. Hangers are typically made from a metallic material and metallic materials are commonly available in sheet form. It is a distinct advantage, therefore, to have a hanger stack configuration that permits the stack to be formed from sheet material. The clamping devices of the '983 patent, in contrast, are typically formed from a flexible synthetic material that can be driven into a corrugated material such as cardboard. The wire-like connecting members 23 disclosed within the '983 patent are suitably fixed to the under surfaces of the base portions of the clamping devices. Consequently, the differences between the disclosed structure of the clamping devices (e.g., the connecting members 23, the piercing pieces 15a, 15b, etc., which do not permit

the clamping devices to be stamped out of sheet material) are significant and illustrate why the subject matter of new claims 37-39 is patentable over the disclosure of the '983 patent. Applicant therefore respectfully request new claims 37-39 be allowed.

As applicant has traversed the rejection made by the Examiner, it is respectfully requested that the stated rejection be withdrawn, claims 26-31 and 37-39 be allowed, and the present application be passed onto issuance. No fee is believed due with the present application. In the event a fee is due, please charge our Deposit Account No. '50-3381.

Respectfully submitted,

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